

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, *et al.*,

Defendants.

No. C10-1952RSL

ORDER CONTINUING MOTIONS
FOR SUMMARY JUDGMENT

This matter comes before the Court on “Plaintiff’s Motion for Partial Summary Judgment” (Dkt. # 103) and “Defendants OneWest, MERS, and Northwest Trustee Services, Inc.’s Motion for Summary Judgment and to Dissolve Injunction” (Dkt. # 121). The resolution of plaintiff’s Deed of Trust Act, Consumer Protection Act, fraud, declaratory judgment, and injunctive relief claims will be informed by the Washington Supreme Court’s resolution of the certified questions in Bain v. Metro. Mortg. Group, Inc., C09-0149JCC, and Selkowitz v. Litton Loan Servicing LP, C10-5523JCC. Whether defendants’ theory of constructive possession of the promissory note is viable, the legal ramifications of an unauthorized appointment of a successor trustee, and the causes of action that arise therefrom are critical to the resolution of the pending motions and will - hopefully - be decided in the certified actions.

For all of the foregoing reasons, the Clerk of Court is directed to renominate “Plaintiff’s Motion for Partial Summary Judgment” (Dkt. # 103) and “Defendants OneWest,

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1 MERS, and Northwest Trustee Services, Inc.'s Motion for Summary Judgment and to Dissolve
2 Injunction" (Dkt. # 121) on the Court's calendar for Friday, August 24, 2012. The motions are
3 fully briefed. No other submissions related to these motions will be accepted absent
4 authorization from the Court.

5 Dated this 10th day of May, 2012.

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8 Robert S. Lasnik

9 United States District Judge
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